

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JACOREY MILLER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-97 (MTT)
)	5:12-CV-124
)	
CARL HUMPHREY,)	
)	
Defendant.)	
)	

ORDER

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 169). The Magistrate Judge recommends granting the Defendant's motion to dismiss (Doc. 91) Plaintiff Jacorey Miller's complaint¹ because he failed to exhaust his administrative remedies for his Eighth Amendment claims, and his Fourteenth Amendment procedural due process claim² based on being transferred to the Administrative Segregation Unit of the Georgia Diagnostic and Classification Prison fails to state a claim.³ The Plaintiff has not objected to the Recommendation.

¹ The complaint is filed in *Miller v. Humphrey*, 5:12-CV-124, at Doc. 1. This case, along with several others, was consolidated with *Gholston v. Humphrey*, 5:12-CV-97, on November 1, 2012. (Doc. 29).

² The complaint also alleges the Plaintiff's "property continue[s] to be confiscated and held without any due process in the procedures through an illegal pra[c]tice." *Miller*, 5:12-CV-124, Doc. 1 at 6. To the extent the complaint can be read as alleging a separate Fourteenth Amendment claim based on deprivation of personal property, that claim fails because the State of Georgia provides an adequate post-deprivation remedy. See *Johnson v. Owens*, 2014 WL 6620938, at *3 & n.8 (M.D. Ga.).

³ The Magistrate Judge also recommends dismissing the "John/Jane Doe" defendants because the Plaintiff has made no attempt to identify them.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendant's motion to dismiss (Doc. 91) is **GRANTED** and the Plaintiff's complaint is **DISMISSED without prejudice**.

SO ORDERED, this 10th day of December, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT